

G.O.C. STAFF RULE ABSTRACT

AGENCY: Board of Athletic Trainers

SUBJECT: Athletic Trainers - Fees

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 63-24-106 and 63-24-111

EFFECTIVE DATES: June 21, 2016 through June 30, 2017

FISCAL IMPACT: None

STAFF RULE ABSTRACT: The rulemaking hearing rule will increase the biennial renewal fee by fifty-dollars (\$50.00). Licensees would be paying a total of two hundred dollars (\$200) to renew their licensure.

This rule appeared on the May 2016 Rule Review Agenda and was rolled to the June meeting.

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

Board of Athletic Trainers Rulemaking Hearing - November 5, 2015 Public Comments

The first comment came from John "Clint Sanders", Communication Chair for Tennessee Athletic Trainers' Society and Secretary Elect for 2016, who asked the following, "unlike the renewal process, the initial licensure process can take from seven to twelve weeks, so will the fee increase help the administrative office speed up the initial licensure process?"

Dr. Alex Diamond responded for the Board and stated that the point is well taken, but while considering the expenses that the Board has to cover, the needs of the professionals regulated should be considered as well. Monroe Abrams, the Board Chair, also addressed Mr. Sanders' comments stating that the Board has to cover expenses incurred, and the money received from the increase will help to cover those expenses.

The second comment came from Chris Snoddy, with Star Physical Therapy who employs approximately forty athletic trainers. Mr. Snoddy acknowledged that the renewal process is efficient. Mr. Snoddy also acknowledged that the fee increase is approximately two (\$2.00) dollars per month. However, he stated that he does not support the fee increase unless the increase will ensure a quicker initial licensure process. He said that schools are going uncovered while waiting for athletic trainers to obtain initial licensure, and the delay is especially apparent during the summer months. He added that, according to the Korey Stringer Institute, the presence of an athletic trainer in a school helps prevent deaths related to athletic participation.

Walter Fitzpatrick responded for the Board and stated that the Board's administrative staff members should explain the initial application process to the Board members, should review the current process to determine if there are areas that need improvement, and if there are opportunities to streamline the initial application process, the administrative staff should implement those procedures.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

1. The extent to which the rule or rules may overlap, duplicate, or conflict with other federal, state, and local governmental rules.

These rules do not overlap, duplicate, or conflict with other federal, state, and local governmental rules.

2. Clarity, conciseness, and lack of ambiguity in the rule or rules.

These rules exhibit clarity, conciseness, and lack of ambiguity.

3. The establishment of flexible compliance and/or reporting requirements for small business.

The compliance requirements contained in the rules are the same for large or small businesses and are as flexible as possible while still allowing the Board to achieve its mandated mission of protecting the health, safety, and welfare of Tennesseans.

4. The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.

Compliance requirements contained in these proposed rule amendments are the same for large or small businesses.

5. The consolidation or simplification of compliance or reporting requirements for large or small businesses.

Compliance requirements contained in the rules are the same for large or small businesses.

6. The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rules.

These rules do not establish performance, design, or operational standards.

7. The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

These rules do not create unnecessary barriers or stifle entrepreneurial activity or innovation.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

Name of Board, Committee or Council: Board of Athletic Trainers

Rulemaking hearing date: November 5, 2015

1. **Type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:**

Businesses and practitioners engaging in the practice of athletic training or wishing to offer athletic training services may be subject to these proposed rule amendments. These businesses and practitioners will bear the burden of the increased costs of the licensure renewal fees. These proposed rule amendments would affect approximately 800 licensees.

2. **Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:**

Administrative costs associated with the fee increase should remain the same.

3. **Statement of the probable effect on impacted small businesses and consumers:**

Athletic trainers and the businesses that employ them may experience some negative impact due to the increase in renewal fees, but any negative impact should be minimal because the fee will only increase by fifty dollars (\$50.00), which only has to be paid once every two years.

4. **Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:**

There are no less burdensome, less intrusive, or less costly alternative methods of achieving the purpose and/or objectives of these proposed rule amendments.

5. **Comparison of the proposed rule with any federal or state counterparts:**

Federal: none

State: Other health-related boards in Tennessee have renewal fees in the amount of two hundred dollars (\$200.00) or greater.

6. **Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.**

These rule amendments will not provide exemptions for small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The proposed rule amendments should not have a financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 0150-01-.06: This rule amendment would increase the biennial renewal fee fifty-dollars (\$50.00). Licensees would be paying a total of two hundred dollars to renew their licensure.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

None.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This proposed rule amendment affects licensees who are licensed through the Tennessee Board of Athletic Trainers.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

These rules should not result in any increase or decrease in state or local government revenues or expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Paetria Morgan, Assistant General Counsel, Department of Health.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Paetria Morgan, Assistant General Counsel, Department of Health.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Office of General Counsel, 665 Mainstream Drive, Nashville, Tennessee 37243, (615) 741-1611, Paetria.Morgan@tn.gov.

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

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Email: publications.information@tn.gov**For Department of State Use Only**Sequence Number: 03-15-16Rule ID(s): 6148File Date: 3/23/16Effective Date: 6/21/16

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Board of Athletic Trainers
Division:	
Contact Person:	Paetria Morgan, Assistant General Counsel
Address:	665 Mainstream Drive, Nashville, Tennessee
Zip:	37243
Phone:	(615) 741-1611
Email:	Paetria.Morgan@tn.gov

Revision Type (check all that apply):☒ Amendment☐ New☐ Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0150-01	General Rules and Regulations Governing the Practice of Athletic Trainers
Rule Number	Rule Title
0150-01-.06	Fees

GENERAL RULES AND REGULATIONS GOVERNING
THE PRACTICE OF ATHLETIC TRAINERS

CHAPTER 0150-01

(Rule 0150-01-.05, continued)

- (4) Application review and licensure decisions shall be governed by Rule 0150-01-.07.

Authority: T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-1-101, 63-6-101, 63-24-102, 63-24-103, 63-24-104, 63-24-105, 63-24-106, and Public Chapter 694 of the Public Acts of 2000, Authority and Public Chapter 872 of the Public Acts of 2006. **Administrative History:** Original rule filed October 9, 1986; effective October 23, 1986. Amendment filed July 6, 1990; effective July 21, 1990. Repeal and new rule filed March 14, 2001; effective May 28, 2001. Amendment filed August 16, 2002; effective October 30, 2002. Amendment filed September 5, 2002; effective November 19, 2002. Amendments filed March 14, 2006; effective May 28, 2006. The Secretary of State transferred chapter 0880-04 to 0150-01, effective April 30, 2007.

0150-01-.06 FEES. All fees provided for in this rule are non-refundable.

- | | |
|--|---------------------|
| (1) Licensure application-examination fee to be submitted at the time of application | \$200.00 |
| (2) Biennial renewal fee to be submitted at the time of application | \$150.00 |
| (2) Biennial renewal fee to be submitted at the time of application | \$200.00 |
| (3) Late renewal fee | \$100.00 |
| (4) Licensure restoration fee | \$ 50.00 |
| (5) Duplication of license fee | \$ 5.00 |
| (6) Biennial state regulatory fee to be submitted at the time of application | \$ 10.00 |
| (7) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Athletic Trainers. | |

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Authority: T.C.A. §§ ~~9-4-5117, 4-3-1011~~, 4-5-202, 4-5-204, 63-6-101, 63-24-102, 63-24-105, 63-24-106, 63-24-111, Public Chapter 389, Acts of 1989, and Public Chapter 694 of the Public Acts of 2000, Authority and Public Chapter 872 of the Public Acts of 2006. **Administrative History:** Original rule filed January 29, 1990; effective March 15, 1990. Repeal and new rule filed March 14, 2001; effective May 28, 2001. Amendment filed August 16, 2002; effective October 30, 2002. The Secretary of State transferred chapter 0880-04 to 0150-01, effective April 30, 2007. Amendment filed November 26, 2008; effective February 9, 2009. Amendment filed April 29, 2011; effective July 28, 2011.

0150-01-.07 APPLICATION REVIEW, APPROVAL, AND DENIAL.

- (1) Review of all applications to determine whether or not the application file is complete may be delegated to the Board's administrator.
- (2) A temporary authorization to practice, as described in T.C.A. § 63-1-142 may be issued to an applicant pursuant to an initial determination made by a Board designee who has reviewed the completed application and determined that the applicant has met all the requirements for licensure, renewal or reinstatement. The temporary authorization to practice is valid for a period of six (6) months from the date of issuance of the temporary authorization to practice and may not be extended or renewed. If the Board subsequently makes a good faith determination that the applicant has not met all the requirements for licensure, renewal or reinstatement and therefore denies, limits, conditions or restricts licensure, renewal or

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Monroe J. Abram	X				
Craig Paul Moorhouse	X				
Walter S. Fitzpatrick, III	X				
Helen Binkley	X				
Alex B. Diamond, MD	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Athletic Trainers (board/commission/ other authority) on 11/16/2014, 05/07/2015 and 11/05/2015 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/14/14, 01/06/15, and 06/08/15 (mm/dd/yy)

Rulemaking Hearing(s) Conducted on: (add more dates). 11/06/14, 05/07/15 and 11/05/15 (mm/dd/yy)

Date: 11/20/2015

Signature: Paetria Morgan

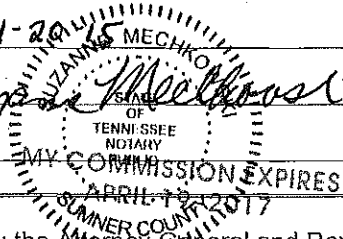
Name of Officer: Paetria Morgan
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____



All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Herbert H. Slatery III
Attorney General and Reporter

3/15/2016

Date

Department of State Use Only

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Effective on: 6/21/16

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Tre Hargett
Secretary of State